

**CM-9490-CWP-2016 in/and
CWP-20359-2013 (O&M)
along with
CM-9490-CWP-2016**

**Court on its own motion
Versus
State of Punjab etc.**

Present: Mr. Shashi Kant, IPS (Retd.),
former Director General of Police, Punjab.
Mr. Navkiran Singh, Advocate,
Mr. Sukhdeep Singh Sandhu, Advocate for CBI.

Dr. Aditya Avnash Kaushik, and
Mr. Raj Kumar Gupta, Advocate, Amicus Curiae(s).

Ms. Palika Monga, DAG Haryana

Ms. Reeta Kohli, Addl. A.G. Punjab, with
Mr. Hanspal Virk, AAG, Punjab.

Mr. Chetan Mittal, Senior Advocate - Asstt. Solicitor General
of India, with Mr. Alok Kumar Jain,
Sr. Panel Counsel, for UOI.
for respondent Nos. 2 and 4.

Mr. Vivek Singla, Senior Panel Counsel for UOI.

Mr. D.D. Sharma, Advocate for DRI.

Mr. Anupam Gupta, Senior Advocate, with
Mr. Siddharth Sharma, Advocate, (in CWP-20359-2013)
for Mr. Niranjana Singh, Asstt. Director, Directorate of
Enforcement, Jalandhar.

Mr. Suvir Sehgal, Senior Standing Counsel, UT, Chandigarh,

Mr. RS Rai, Senior Advocate – Public Prosecutor with
Mr. Sukant Gupta, Addl. PP, for UT, Chandigarh

Ms. Deepali, Puri, Advocate, (in CWP-20359-2013)
for respondent-UT Chandigarh Admn.

Ms. Ranjana Shahi, Advocate, for E.D.

Mr. Anshuman Chopra, Advocate, (in CWP-20359-2013)
for respondent-CBEC.

(1) Sh. Tajender Singh Luthra, Inspector General of Police has

filed status report in context of para 1 of the orders, dated 13.07.2016 &
For Subsequent orders see CRM-M-8539-2014, CRM-M-8516-2014, CRM-M-8519-2014 and 69
more.

03.08.2016, elaborating the security arrangements which the Chandigarh Police has made at the residence of Sh. Shashi Kant, IPS, DGP (retd.). The Punjab Police has also done the needful. We are satisfied that with the prompt steps already taken by Chandigarh Police as well as Punjab Police, no further directions in this regard are required to be issued except to observe that the level of security shall be maintained till further orders.

(2) Sh. Anupam Gupta learned senior counsel for ED has, at the outset, highlighted the scope of the exercise to be undertaken by the Supervisory Investigation Team (SIT) constituted by this Court vide order dated 07.10.2015¹. He emphasizes that the SIT is not expected to meet the accused inside jails, lest it leaves an impression of hobnobbing in the minds of general public. He points out that the SIT cannot and ought not to, on the plea of re-consideration of the material collected by Investigating Officers, submit any supplementary report especially based upon the version of the accused themselves, thereby exonerating them as it would amount to impinging upon the power and jurisdiction of the Special Courts under the NDPS Act.

(3) The apprehension expressed by Sh. Gupta is well merited and it requires serious consideration at the hands of SIT. We will not say anything more at this stage except to record the statement of Ms. Reeta Kohli, learned Addl. AG Punjab that no such overreaching attempt shall be made by the SIT.

(4) Sh. Navkiran Singh, has pointed out that in the cases registered under the NDPS Act during last one year or so, though it is reported that synthetic drug/contrabands have been recovered, yet no efforts are made by the Investigating Teams to reach out the source of such drugs/contrabands.

He suggests and rightly so, that in every such case one of the point of investigation must be to identify the illicit drug manufacturer or the suppliers, be that such source is located outside the State of Punjab. We thus direct the Punjab Police that hitherto this will be one of the mandatory issue for the Investigating Team to make an effort to identify the 'manufacturer' or 'supplier' of the illicit drugs/contrabands. The Senior Superintendents of Police/Commissioners of Police of all the districts shall prepare a list of the cases registered under the NDPS case after 01.01.2016 in tabulated form and ascertain whether or not the exercise to identify/detect the source of such illicit drug has been undertaken, and if not, let the Investigating officer(s) do the needful before the next date of hearing. A report in this regard with advance copy to learned *Amicus Curiae* as well as counsel opposite, be submitted.

(5) Sh. Shashi Kant, former DGP submits that there might be some persons associated with and/or assisting the SIT constituted by this Court in Jagjit Singh Chahal's case, who due to their deep-rooted links with the drug mafia, indulge in putting undue pressure or influence the SIT to meet with drug-lords or consider their viewpoints also, while preparing the supplementary reports. The apprehension expressed by Sh.Shashi Kant surely requires consideration by the members of SIT who will further ensure that only trustworthy persons of proven credibility are kept in the core group to whom matters relating to the investigation or further investigation are entrusted.

(6) As regard to para-5 of the order dated 03.08.2016 *re*: requirement of additional psychiatrists, Ms. Vini Mahajan, Principal Secretary, Department of Health and Family Welfare, Punjab has filed

affidavit dated 06.09.2016 pointing out that the Department has on many
 For Subsequent orders see CRM-M-8339-2014, CRM-M-8516-2014, CRM-M-8519-2014 and 69
 more.

occasions invited applications for appointment of Specialist doctors/Psychiatrists through walk-in interviews which is an ongoing process but only one candidate came forward for interview who has been appointed. The next walk-in interview is likely to be held in October, 2016.

(7) Since requisite number of candidates in the field of Psychiatry are not coming forward to accept the offer, we direct the State Government to invite and avail the services of private Psychiatrists and some renowned NGOs who have specialized manpower to rein their Drug De-addiction/Rehabilitation Centres as such trained and experienced specialists would be keen to visit Government-run Centres also. While doing so, suggestions given by Dr. Aditya Kaushik regarding anonymity of visitors shall be kept in view.

(8) The Principal Secretary, Health Department has further explained that Dr. Ajit Avasthi, Professor and Head of the Department of Psychiatry has been requested to give opinion on the amendments in the Punjab Substance Use Disorder Treatment and Counseling and Rehabilitation Rules, 2011 and for that purpose a meeting has been fixed for 22.09.2016. We would request the State authorities to expedite the process and as soon as the suggestions are received and approved, let the necessary amendments in the Rules be carried out so that the patients admitted in the private de-addiction and rehabilitation centres can get the best of the treatment in satisfactory and hygienic condition. No sooner the Rules are amended, the exercise to weed out private de-addictions and rehabilitation centres which fail to comply with the mandatory parameters and norms shall also be simultaneously carried out.

(9) It is further directed that the Psychiatrists from private field or

the private de-addiction centres whose credentials are beyond any doubt
*For Subsequent orders see CRM-M-8339-2014, CRM-M-8516-2014, CRM-M-8519-2014 and 69
 more.*

shall be actively associated in the policy making and all other decision making process including amendment of the Rules.

(10) As regard to the curriculum for different age group children, a short affidavit filed by G. Vajralingam, Principal Secretary, Department of School Education along with draft curriculum, is taken on record. Another affidavit filed by Anil Kumar, Deputy Director (Colleges) along with “*Proposed Syllabus of a Module on Drug Abuse: Problem, Management & Prevention*” to be introduced at the College level, is also taken on record. Similarly, the suggestions given by private Psychiatrists, namely, Dr. Ashwin Mohan, MD Psychiatry (PGI) and Dr. B.K. Waraich, MD Psychiatry, on “*School Based Education for Drug Abuse Prevention*” for curriculum in schools too have been circulated.

(11) We request Sarvshri Anupam Gupta, Navkiran Singh and Shashi Kant to give their valuable suggestions for further addition/re-modulation of the curriculum before any direction for its mandatory inclusion at school and college levels are issued.

(12) State of Haryana and UT Chandigarh seek more time to place on record their draft curriculum. In the interest of justice, last opportunity is granted to them to do the needful before the next date of hearing.

(13) List for further consideration on 19.10.2016.

(14) Meanwhile, we request Dr. Aditya Avnash Kaushik to submit a report in respect of the challenges before the Government run Drugs De-Addiction/Rehabilitation Centres in the States of Punjab and Haryana and the immediate measures which are required to be taken to effectively address those challenges.

(15) Let a ***dasti*** copy of this order be handed over free-of-cost to learned *Amicus Curiae*, counsel for the States of Punjab & Haryana and UT Chandigarh for information and necessary compliance.

(16) Photocopy of this order be placed on the record of other connected case.

(Surya Kant)
Judge

07.09.2016
Vishal Shonkar

(Sudip Ahluwalia)
Judge



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